

# Exhibit

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Daniel Szalkiewicz <daniel@lawdss.com>

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## Doe v. Sebrow

1 message

**Daniel Szalkiewicz** <daniel@lawdss.com>  
To: Ira W Heller <iwhelleresq@gmail.com>  
Cc: Abraham Borenstein <avib@bmclawyers.net>

Wed, Dec 21, 2022 at 8:30 PM

Ira,

I spoke with [REDACTED] after the appearance. He told me not to file any motion relating to the initial disclosures prior to Friday. If we have the complete form by then, we won't file a separate motion to strike. However, it needs to be complete, with all parts filled in as required by the rule. Specifically, rule 26(a)(1)(A) requires::

a party must, without awaiting a discovery request, provide to the other parties:

- (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
- (ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
- (iii) a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Separately, Ms. Sebrow's interrogatory responses and discovery responses were due today. Please provide them by the end of the week as well.

Finally, I am attaching a copy of the court order from today.

Thank you.

Very Truly Yours,

Daniel S. Szalkiewicz, Esq.

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOHN DOE,  
Plaintiff,  
  
v.  
  
BAILA SEBROW,  
Defendant.

Case No. 21-cv-20706-SDW-ESK

ORDER

**THIS MATTER** having come before the Court for a settlement conference on December 21, 2022 (Conference) (see ECF No. 18 ¶1); and defendant having failed to appear for the settlement conference;<sup>1</sup> and defendant's counsel having failed to serve the information required under Federal Rule of Civil Procedure 26(a)(1), as ordered by the Court (ECF No. 21); and for the additional reasons stated on the record at the Conference,

**IT IS** on this **21st** day of **December 2022** **ORDERED** that:

1. Plaintiff's counsel is directed to file an affidavit of services for preparation of plaintiff's settlement memorandum and for attendance at the Conference by **December 28, 2022**. Defendant may file a response to the affidavit by **January 4, 2023**.
2. Plaintiff is granted leave to file a motion for sanctions and other appropriate relief for defendant's failure to comply with the Court's orders of November 10, 2022 (ECF No. 18) and December 12, 2022 (ECF No. 21).
3. An in-person conference is scheduled for **January 18, 2023 at 2:00 p.m.** before Magistrate Judge Edward S. Kiel in Courtroom 8 of the United States Post Office and Courthouse. Defendant shall appear for the conference.

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<sup>1</sup> The Court notes that defendant's counsel emailed a settlement memorandum to the Court but at the Conference, represented to the Court that he understood the Conference to be a scheduling conference for which defendant did not need to appear. The Court also notes that defendant's counsel telephoned chambers on December 20, 2022 and was advised that attendance by defendant was mandatory for the Conference.

4. Defendant's counsel shall serve a copy of this order on defendant by regular mail, certified mail (return receipt requested), and email by **December 27, 2022**, and file a certification of service confirming same. Defendant's counsel shall also order a transcript of the Conference and serve a copy of the transcript on defendant, in the same manner as above, within seven days of his receipt of the transcript and file a certification of service confirming same.

/s/ *Edward S. Kiel*  
**EDWARD S. KIEL**  
**UNITED STATES MAGISTRATE JUDGE**